



Memorandum

DATE: March 19, 2009
TO: Chairman and Members of the Board
FROM: Kevin H. Roche, General Manager
SUBJECT: Agenda for the Board of Directors Meeting

There is an **ecomaine Board Meeting** scheduled for **Thursday, March 19, 2009 at 4:00 p.m.** The agenda for this meeting is as follows:

1. Approval of the October 16, 2008 Board Meeting minutes (*Attachment A*)
2. Review of February 19, 2009 Executive Committee Meeting Minutes (*Attachment B*)
3. Manager's Report
 - Budget Report (*Attachment C*)
 - Tonnage Reports (*Attachments D-1, D-2, D-3 and D-4*)
 - Electrical Revenues (*Attachment E*)
 - Operations - Outage
 - Environmental Update
4. Finance Committee Report - Mike McGovern
 - *The Finance Committee will recommend that ecomaine prepare monthly financial statements in accordance with GAAP, the same basis that is used for the annual audit.*
5. Audit Committee Report – Gary Foster
6. Recycling Committee Report – Troy Moon
7. Approval of the Resolution relating to the Collection and Treatment of Leachate (*Attachment F-1*)
 - *Memorandum of Agreement between ecomaine, City of Portland and the Portland Water District (Attachment F-2)*
 - *Termination of Agreement for the Construction of Waste Water Facilities (Attachment F-3)*
 - *Easement (Attachment F-4)*
8. Budget Presentation
 - *The FY 2010 Budget will be presented to the Board.*
9. Other items
10. Future Meetings:
 - Finance Committee Budget Workshop: March 26th @ 4:00 p.m.
 - Finance Committee Budget Workshop: April 2nd @ 2:30 p.m.
 - Recycling Committee: April 2nd @ 4:00 p.m.
 - Board Meeting: April 16th @ 4:00 p.m.
 - Recycling Committee: May 7th @ 4:00 p.m.
 - Audit Committee: May 21st @ 2:30 p.m.
 - Executive Committee: May 21st @ 4:00 p.m.

The Board of Directors may wish to go into Executive Session for any of the above items under Section 405 of Title 1 of the Maine Revised Statutes ([per the following legislative website: http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html](http://janus.state.me.us/legis/statutes/1/title1ch13sec0.html).)

Owner Communities

Bridgton
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harrison
Hollis
Limington
Lyman
North Yarmouth
Ogunquit
Portland
Pownal
Scarborough
South Portland
Waterboro
Windham
Yarmouth

Associate Communities

Baldwin
Cornish
Hiram
Monmouth
Naples
Parsonsfield
Poland
Porter
Saco
Standish

DATE: October 17, 2008
TO: Chair and Members of the Board
FROM: Kevin H. Roche, General Manager
SUBJECT: Minutes of October 16, 2008 **ecomaine** Board Meeting

There was an **ecomaine** Board Meeting held on Thursday, October 16, 2008 at the Waste-to-Energy facility. With a quorum, the meeting was called to order by the Chair at 5:03PM.

There were eight items on the Agenda:

1. Approval of the June 19, 2008 Annual Meeting minutes
2. Manager's Report
3. Audit Committee Report
4. Finance Committee Report
5. Recycling Committee Report
6. Strategic Planning
7. Other items
8. Future Meetings

Tony Plante welcomed Bradley Plante (representing the Town of Harrison) and Mike Wood (representing the Town of Scarborough) as new Board members. He also welcomed Alan Bradstreet from the Town of Pownal Solid Waste Committee, who was in attendance for Board Member Kirk Niese.

Item #1. Approval of the June 19, 2008 Annual Meeting minutes

Mr. Gailey moved that "**The Board of ecomaine hereby approves the minutes of the June 19, 2008 Annual Board meeting.**" The motion was seconded by Mr. Moon and passed with a unanimous vote of the Board.

Item #2. Manager's Report

Budget Report

Mr. Roche gave an overview of *Handout #1 - ecomaine '08/09 Budget Report as of the end of September, 2008.*

Tonnage Report

Mr. Roche directed the Board's attention to Attachment B-1 and noted that we are running behind on tons of residential waste and commercial waste. We are ahead on tons of recycled waste. Commercial Recycling is up 1700 tons from last year.

Mr. Roche offered a brief explanation of what "spot" is for the newer Board members. He also reported back to the Board (as requested) that replacing regular tons (at \$88/hour) with spot tons cost **ecomaine** \$639,000 last year.

He remarked that we are losing \$28/ton when we go with spot as the spot market rate will bear \$60/ton, whereas the gate rate is \$88/ton. He also noted that the spot rate tends to be lower as the weather turns colder.

Mr. Roche reviewed Attachment B-2 and noted the reduction in trash tons that are of concern. He then reviewed Attachment B-3 and noted that metal and fiber prices are on their way down, falling quickly.

Current Strategy for Increasing Tons at the WTE Facility

Mr. Roche said that he believes it is better for **ecomaine** to bring in tons at \$60/ton (spot market) than to have no tons coming in at all.

He also informed the Board that **ecomaine** bid on the Town of Harpswell's waste contract, even though they wanted hauling and C & D, but we were not awarded the contract. We also bid on the Poland Springs (located in Hollis) waste contract and were not awarded same. We will continue, however, to bid for other solid waste management projects.

A discussion of current strategy of keeping our facilities at full capacity followed.

Electrical Revenues

It was noted that the recent generator overhaul has improved our Electrical Revenue production, as noted for the month of September '08 in Attachment C.

Environmental Updates

Mr. Roche referred to the spiral bound Mercury Report that we sent out to the Board recently and noted the following highlights:

- **ecomaine** removes 85-95% of mercury out of the emissions.
- At present, there is no technology available to improve this number significantly. It could be improved marginally, but it would be at a cost of \$10-12 million dollars.
- **ecomaine** is regulated in the same way as any other waste-to-energy facility regardless of facility size.

He also noted that the DEP has the Mercury Report at present and in March, 2009, they will be reporting on this issue to the Natural Resources Committee.

Mr. Roche said that while many local politicians have toured our facility, we will follow the November elections closely and approach new office holders regarding touring the WTE and educating them on the mercury issue.

Mr. Bobinsky requested that this issue be placed on the Board Meeting Agenda for January, 2009, after the swearing in of the new office holders. At that point, we can seek assistance from Board Members to reach out to any new members of the Natural Resources Committee.

Mr. Roche said that last month the ISO found no non-conformances at **ecomaine**.

Mr. Roche then directed the Board's attention to *Handout #3a – National Biodiesel Board, Energy Content* and *Handout #3b – ecomaine's Current Cost for Fuels*, regarding the energy content of diesel fuel. He noted that **ecomaine** will transfer from B20 fuel to B5 fuel for the winter.

A discussion of this topic followed.

It was noted that Rocco Marzilli, **ecomaine's** Director of Finance & Administration, will be retiring in January, 2009. Mr. Plante thanked him for his hard work and dedication.

Mr. Marzilli gave a brief overview of the situation with our remarketed bonds. Recently Lehman Bros., our remarketing agent, was bought out by Barclay's, who has assumed our contract. They market 25% of our outstanding variable (variable meaning they are sold every week) rate bonds, a little over \$8 million. This has turned out well as Barclay's is a stronger company than Lehman Bros.

Item #3 – Audit Committee Report

Mr. Foster reported that last month the Audit Committee met solo for the first time (followed by a joint Audit/Finance Committee Meeting). **ecomaine's** auditors, Runyon Kersteen and Ouellette, (known as RKO), gave a brief overview of the duties and obligations of an Audit Committee.

On November 20th at 3:00PM, the Audit Committee will meet to review codes of conduct, internal controls, segregation of duties and review the first draft of the auditors report.

Item #4 – Finance Committee Report

Mr. McGovern stated that the Audit & Finance Committee(s) had met jointly last month and had recommended to the Executive Committee (and the Executive Committee had approved) that the projected surplus for 6/30/08 be placed in the Rate Stabilization and Debt Stabilization Funds as follows (*see Handout #4 – Analysis of Stabilization Reserves*):

- \$330,000 in the Debt Stabilization Fund
- \$104,721 in the Rate Stabilization Fund

The next meeting of the Finance Committee will be December 18th at 3:00PM.

Item #5 – Recycling Committee Report

The Board’s attention was directed to *Handout #5*. This chart shows revenues per ton by commodity over the last month as follows:

Month	ONP (Old Newspapers)	OCC (Old Corrugated Cardboard)	N-HDPE (Milk Jugs)	C-HDPE (Detergent Bottles)	#3 - #7 Mixed Plastic	Tin Cans
July '08	\$142	\$114	\$785	\$576	\$60	\$485
Aug. '08	\$162	\$115	\$842			\$450
Sept. '08	\$152	\$115	\$942		\$40	\$125
Current	\$50	\$88	\$922	\$752	\$20	\$119

It was noted that the cost of running the Recycling Facility on a daily basis works out to \$60-\$65/ton.

Mr. Moon said that this year’s **ecomaine** Recycling Open House was a great success (*see Handout #6 - Summary: Recycling Open House*) and we are planning to hold this event again next fall.

He also noted that on Thursday, November 13th, **ecomaine** will be holding its Green Symposium with the assistance of Green Tree Events and that if anyone has any lead information, please forward that information to Shelley Dunn.

The Board’s attention was then directed to *Attachment D – ecomaine Silver Bullet Terms of Use*. It was noted that it’s a problem if the containers aren’t uniform and that the Recycling Committee has adopted Attachment D as the process/rules to go by regarding Silver Bullets. A discussion of these Terms of Use followed.

Mr. Van Gaasbeek then motioned that **“the Board adopt Attachment D “ecomaine Recycling Roll-off Container (aka Silver Bullet) Terms of Use” as presented”**. The motion was seconded by Mr. Anton and unanimously passed by the Board.

Mr. Moon said that staff will be polling towns regarding regionalization and will report back at the next Recycling Committee Meeting on November 6th at 4:00PM.

Item #6 – Strategic Planning

Mr. Roche directed the Board’s attention to *Handout #8 - “Critical Issue: Declines in Solid Waste Tons”* and discussed reasons for the declining tonnage, strategies employed to date to deal with the situation, addressing possible diversion issues and possible solutions and strategies.

Mr. Bobinsky discussed the City of Portland Letter/Licensing Agreement: a hauler has come forward (to the City) regarding tonnage diversion, the city is documenting and then will decide what to do.

Nick Nadzo, of Jensen Baird Gardner & Henry gave a brief history of Flow Control Ordinances in the U.S. He also gave the Board two handouts: “*Municipal Ordinances*” and a draft form of a “*Refuse Hauler’s Application for License Commercial /Residential*”. (It was noted that “**ecomaine**” should be in bold in any agreement.)

A discussion of Flow Control issues followed.

Mr. Bobinsky made a motion that the “**Board adopt the Possible Solutions and Strategies (as noted below and in Handout #8) and come back within 90 days with regard to addressing Flow Control**”. The motion was seconded by Mr. Foster and passed unanimously by the Board.

Handout #8 – Critical Issue: Declines in Solid Waste Tons:

- Work with municipalities on Permits & Ordinances
- Continue to replace trash shortages with spot tons
- Mine solid waste from the landfill in the event of extreme market conditions
- Sourcing new Communities and tons.

Mr. Miller then made a “**motion to adjourn the meeting. The motion was seconded by Mr. Foster and passed unanimously by the Board**”.

The meeting adjourned at 7:34PM.

PRESENT:

J. Anton
E. Auden
M. Bobinsky
L. Boudreau
G. Foster
J. Gailey
J. Gray
M. Johnson
W. Lord
B. Loveitt
S. McGinty
M. McGovern
J. Miller
T. Moon
D. Morton
A. Plante
B. Plante
R. Regier
L. Van Gaasbeek
M. Wood

ABSENT:

R. Brobst
J. Hughes
N. Mavodones
D. Morton
K. Niese
M. Shaw
M. St. Clair

Other:

Alan Bradstreet - Pownal Solid Waste Committee (in for K. Niese).
Nick Nadzo – Jensen Baird Gardner & Henry

Staff: S. Dunn, R. Marzilli, K. Roche, K. Trytek and L. Trufant.



Corporate Members

Bridgton
Cape Elizabeth
Casco
Cumberland
Falmouth
Freeport
Gorham
Gray
Harrison
Hollis
Limington
Lyman
North Yarmouth
Ogunquit
Portland
Pownal
Scarborough
South Portland
Waterboro
Windham
Yarmouth

Associate Members

Andover
Baldwin
Cornish
Hiram
Monmouth
Naples
Parsonsfield
Poland
Porter
Saco
Standish

DATE: February 20, 2009
TO: Chair and Members of the Executive Committee
FROM: Kevin H. Roche, General Manager
SUBJECT: Minutes of 2/19/09 **ecomaine** Executive Committee Meeting

The Executive Committee of **ecomaine** met on Thursday, February 19, 2009, at the Waste-to-Energy facility. The meeting was called to order at 4:00PM.

There were eight items on the Agenda:

1. Approval of 1/15/09 Executive Committee Meeting minutes
2. Presentation: Freedom of Access Statute
3. Manager's Report
4. Finance Committee Report
5. Recycling Committee Report
6. Strategic Planning
7. Other Items
8. Future Meetings

Item #1 – Approval of the 1/15/09 Executive Committee Meeting Minutes

Mr. Moon moved that “**The Executive Committee hereby approve the minutes of the January 15, 2009 Executive Committee meeting as presented**”. The motion was seconded by Ms. Boudreau and passed with a unanimous vote of the Committee.

Item #2 – Presentation: Freedom of Access Statute

Ms. Natalie Burns of Jensen Baird Gardner & Henry distributed a “Right-to-Know” handout and gave a presentation of the subject matter outlined.

Ms. Burns will e-mail a copy of this presentation to Mr. Roche.

Item #3 – Manager’s Report

Budget Report

Mr. Roche reviewed the Budget Attachment (Attachment B), noting the following in particular: Revenues tip fees are at \$2.89 million, which is \$201,000 less than last year. Commercial tip fees are \$3.3 million, \$510,000 behind last year. Associate Member tips fees are at \$476,000, \$42,000 behind last year. Spot market is making some of this shortfall up. That line is at \$890,800, which is \$472,000 over last year. Total tip fees are at \$10.38 million, which is down \$454,000 from last year.

Electrical Revenues are close to \$1 million above last year, moving from \$2,664,000 to \$3,638,000. Recycling had a good July, August and September of '08, yet we have only added \$30,000 in the last month now that those months have been collected. Commodities seem to be improving, as February was better than January and January was better than December.

On the Expenditure side, Residuals disposals have not incurred all expenses pertaining to the leachate line cleaning as of yet. Regarding operations, outage costs are coming up March 22nd (date outage begins).

Mr. Roche also noted that **ecomaine** will be converting to GAAP Finance Accounting and the Finance Committee will be discussing this further at their next meeting.

Tonnage Reports

It was noted that on Attachment C-2 (Monthly Total MWS Tonnages including Spot Market), the December and YTD Tonnage figures are not reflective of excavated tons from the Landfill, as reflecting those numbers would skew actual tons coming into **ecomaine** from outside sources. (We have excavated 3300 tons from the Landfill to date.)

Attachment C-3 (Recycling Totals) notes that Recycling is 2676 tons ahead YTD.

Attachment D (Historical WTE Facility Electricity Generation) notes that we were at 90% availability in January and the facility has been running well during these high demand generation months.

Mr. Roche stated that on March 22nd, when outage begins, we will begin sending waste coming into **ecomaine** to the space at the Landfill where tons were recently excavated.

Sewerage Agreement

Mr. Roche referred to Handout #1 (map). He stated that the 1987-88 Agreement between the Portland Water District, the City of Portland and **ecomaine** did not specify the body responsible for maintaining the line and pump station. It has now been decided that **ecomaine** will be responsible for these items and while it was a significant cost, we no longer have to pretreat the leachate. The agreement needs to be signed by the Towns of Westbrook and South Portland, the City of Portland, the Portland Water District and **ecomaine**.

Environmental Update

Mr. Roche has met with the Department of Environmental Protection regarding upcoming mercury legislation. He has also met (and will meet further the next two weeks) with members of the Natural Resource Committee regarding this legislation. We will keep Board members informed.

Item #4 – Finance Committee

Mr. McGovern reported that the next Finance Committee meeting is next week on February 26th. Kathleen Tyson of Runyon Kersteen Ouellette will give a presentation at that meeting regarding **ecomaine's** conversion from a budgetary accounting system to the GAAP Accounting system. The Committee will also review cash flow issues (for Year 2011 and further) as well as the mixed plastic policy.

The Budget will be presented to the Board at their next meeting on March 19th. The Finance Committee will hold two workshops to review the budget and then make a recommendation to the full Board. The Board will vote on it at its meeting on April 16th.

Item #5 – Recycling Committee

Mr. Moon noted that Handout #2 shows individual **ecomaine** communities eco-excellence award winners and nominators and the overall winner will be announced at the March 24th eco-excellence awards ceremony to be held here at **ecomaine**. All are invited to attend.

He also noted that, after much discussion, the #3 - #7 mixed plastics policy will not change at this time.

Item #6 – Strategic Planning

Mr. Roche said that the Regional Hauling RFP, Handout 3(a), will be issued in early March, as we are still working on feedback from the towns.

Handout 3(b) lists the feedback received from the haulers.

We would like this RFP to be a pilot/model (and hopefully involve more than one bidder, in order to be successful).

Item #7 – Other Items

None.

Item #8 – Future Meetings:

The following future meetings were noted:

- Recycling Committee: March 5th @ 4:00 p.m.
- Board Meeting: March 19th @ 4:00 p.m. (Budget Presentation)
- Finance Committee Budget Workshop: March 26th @ 4:00 p.m.
- Finance Committee Budget Workshop: April 2nd @ 2:30 p.m.
- Recycling Committee: April 2nd @ 4:00 p.m.
- Board Meeting: April 16th @ 4:00 p.m.

Mr. Brobst then made a motion to adjourn the meeting. The motion was seconded by Mr. McGovern and all were in favor. The meeting adjourned at 5:45PM.

PRESENT:

M. Bobinsky
L. Boudreau
G. Foster
W. Lord
S. McGinty
M. McGovern
T. Moon
T. Plante
M. Shaw
R. Brobst
J. Gailey
M. Johnson
J. Miller
R. Regier
L. Van Gaasbeek

ABSENT:

None

Other: Natalie Burns of Jensen Baird Gardner & Henry

Staff: E. Doane, S. Dunn, T. Raymond, K. Roche, L. Trufant and K. Trytek.



Statement of Revenue and Expenses
Eight Months Ended February 28, 2009

	8 Months Ended <u>1/31/2008</u>	12 Months FY'09 <u>Budget</u>	8 Months Ended <u>2/28/2009</u>	% Compared to Annual <u>Budget</u>	8 Months 2008 vs. <u>2009</u>
REVENUES					
Municipal Assessments	\$ 3,140,263	\$ 4,678,654	\$ 3,145,894	67.2%	\$ 5,631
Municipal Tipping Fees	3,425,484	5,040,128	3,265,173	64.8%	(160,311)
Commercial Tipping Fees	4,296,154	6,331,709	3,746,354	59.2%	(549,800)
Associate Members	569,181	866,149	593,124	68.5%	23,943
Cash Deliveries	296,252	411,056	185,221	45.1%	(111,031)
Oily Waste	1,130	2,500	664	26.6%	(466)
Spot Market	570,137	1,000,000	1,168,669	116.9%	598,532
Total Tipping Fees	\$ 12,298,601	\$ 18,330,196	\$ 12,105,099	66.0%	\$ (193,502)
Electrical	3,194,925	5,826,649	4,262,028	73.1%	1,067,103
Recycling	1,774,385	2,401,086	1,820,168	75.8%	45,783
Investment Income	311,827	300,000	95,413	31.8%	(216,414)
Stack Rental	31,077	50,000	53,301	106.6%	22,224
Gorham Property Assessments	0	110,000	73,333	66.7%	73,333
TOTAL REVENUES	<u>\$ 17,610,815</u>	<u>\$ 27,017,931</u>	<u>\$ 18,409,342</u>	68.1%	<u>\$ 798,527</u>
EXPENDITURES					
Recycling	\$ 1,004,215	\$ 1,810,271	\$ 1,024,770	56.6%	\$ (20,555)
Residuals Disposal	490,664	1,791,710	917,410	51.2%	(426,746)
Administration	962,542	2,354,102	1,187,263	50.4%	(224,721)
Operations	5,219,646	8,696,393	5,465,920	62.9%	(246,274)
Host Community Payments	1,726	555,000	370,000	66.7%	(368,274)
Contingent	2,759	376,750	(23,893)	-6.3%	26,652
Interest expense	1,682,034	1,870,000	1,488,535	79.6%	193,499
Depreciation					
TOTAL EXPENSES	<u>\$ 9,363,586</u>	<u>\$ 17,454,226</u>	<u>\$ 10,430,005</u>	59.8%	<u>\$ (1,066,419)</u>
Revenues less expenses	<u>\$ 8,247,229</u>	<u>\$ 9,563,705</u>	<u>\$ 7,979,337</u>		<u>\$ (267,892)</u>

FY '09 Tonmages to Date Compared to 5-Year Averages

	07/31/08	08/31/08	09/30/08	10/31/08	11/30/08	12/31/08	01/31/09	2/29/2009
TOTAL COMMERCIAL WASTE	(1391.50)	(3126.97)	(4478.57)	(6171.22)	(8205.05)	(9543.89)	(10989.15)	(11926.91)
TOTAL MUNICIPAL WASTE	(238.45)	(845.46)	(1146.01)	(1645.41)	(2737.30)	(2704.09)	(3419.83)	(3736.52)
TOTAL SPOT MARKET	2859.08	4212.75	6065.48	7403.00	8735.13	9618.90	9510.40	9669.49
TOTAL MSW	1229.13	240.32	440.90	(413.63)	(2207.21)	(2629.08)	(4898.59)	(5993.94)
RECYCLING	939.49	1641.84	2564.01	3363.67	3747.60	4605.87	4931.25	5356.84
TOTAL ALL MATERIAL	2,168.62	1,882.16	3,004.91	2,950.04	1,540.39	1,976.79	32.66	(637.10)

MONTHLY TOTAL MSW TONNAGES (INCLUDING SPOT MARKET)

	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
JUL	16,341.23	15,971.45	15,089.95	16,583.50	17,704.15	17,083.69	16,933.26	14,825.65	16,738.26	15,574.18	13,271.34	14,482.90	15,315.37	13,901.78	15,024.28	14,947.61	15,963.52
YTD	16,341.23	15,971.45	15,089.95	16,583.50	17,704.15	17,083.69	16,933.26	14,825.65	16,738.26	15,574.18	13,271.34	14,482.90	15,315.37	13,901.78	15,024.28	14,947.61	15,963.52
AUG	16,020.88	16,915.92	17,350.14	16,694.24	16,902.72	15,980.83	16,858.81	15,439.42	16,555.26	16,099.21	13,676.09	14,572.64	15,302.61	14,808.65	17,796.24	15,707.88	14,539.72
YTD	32,362.11	32,887.37	32,440.09	33,277.74	34,606.87	33,064.52	33,792.07	30,265.07	33,293.52	31,673.39	26,947.43	29,055.54	30,617.98	28,710.43	32,820.52	30,655.49	30,503.24
SEP	15,429.77	16,018.81	15,681.13	13,256.11	14,658.87	16,074.10	16,723.18	15,545.45	11,256.97	13,511.36	14,072.30	15,198.87	14,559.17	13,411.53	16,299.81	12,267.74	13,756.56
YTD	47,791.88	48,906.18	48,121.22	46,533.85	49,265.74	49,138.62	50,515.25	45,810.52	44,550.49	45,184.75	41,019.73	44,254.41	45,177.15	42,121.96	49,120.33	42,923.23	44,259.80
OCT	14,673.99	15,088.61	13,685.31	12,589.58	16,868.87	15,292.42	15,158.10	13,097.60	12,397.12	14,535.17	13,187.56	15,250.56	14,245.68	15,000.12	14,856.00	13,778.03	13,717.42
YTD	62,465.87	63,994.79	61,806.53	59,123.43	66,134.61	64,431.04	65,673.35	58,908.12	56,947.61	59,719.92	54,207.29	59,504.97	59,422.83	57,122.08	63,976.33	56,701.26	57,977.22
NOV	13,394.59	14,247.99	13,146.39	14,852.25	14,797.31	12,866.00	12,958.25	14,927.16	13,575.02	13,452.02	12,759.51	12,762.05	14,357.88	15,380.16	14,080.62	13,540.32	12,230.62
YTD	75,860.46	78,242.78	74,952.92	73,975.68	80,931.92	77,297.04	78,631.60	73,835.28	70,522.63	73,171.94	66,966.80	72,267.02	73,780.71	72,502.24	78,056.95	70,241.58	70,207.84
DEC	13,693.08	14,122.32	13,224.01	14,820.77	15,516.02	14,385.65	14,586.61	15,167.97	12,985.27	13,044.96	12,617.67	14,627.99	14,502.87	14,014.52	14,365.69	12,407.44	13,561.83
YTD	89,553.54	92,365.10	88,176.93	88,796.45	96,447.94	91,682.69	93,218.21	89,003.25	83,507.90	86,216.90	79,584.47	86,895.01	88,283.58	86,516.76	92,422.64	82,649.02	83,769.67
JAN	12,060.12	11,852.79	12,732.82	15,994.10	14,918.90	13,575.80	14,183.91	12,932.59	13,284.28	12,824.40	12,723.92	12,534.27	14,618.88	14,117.00	14,134.41	13,657.26	11,542.86
YTD	101,613.66	104,217.89	100,909.75	104,790.55	111,366.84	105,258.49	107,402.12	101,935.84	96,792.18	99,041.30	92,308.39	99,429.28	102,902.46	100,633.76	106,557.05	96,306.28	95,312.53
FEB	10,430.64	11,206.62	13,598.79	14,625.80	13,553.85	12,060.85	13,645.70	12,240.03	11,508.10	10,712.00	10,882.56	11,106.04	13,927.83	13,307.45	10,999.50	13,404.36	11,382.03
YTD	112,044.30	115,424.51	114,508.54	119,416.35	124,920.69	117,319.34	121,047.82	114,175.87	108,300.28	109,753.30	103,190.95	110,535.32	116,830.29	113,941.21	117,556.55	109,710.64	106,694.56
MAR	13,525.41	13,934.62	15,021.33	12,822.27	15,218.74	13,769.03	14,627.93	14,478.91	13,151.76	11,882.69	11,807.41	13,181.80	14,690.40	15,143.28	11,904.11	12,189.43	0.00
YTD	125,569.71	129,359.13	129,529.87	132,238.62	140,139.43	131,088.37	135,675.75	128,654.78	121,452.04	121,635.99	114,998.36	123,717.12	131,520.69	129,084.49	129,460.66	121,900.07	106,694.56
APR	15,994.18	14,677.82	12,882.71	13,515.35	16,569.60	15,575.00	14,731.04	13,524.73	13,634.12	13,041.33	12,790.13	13,259.47	13,514.30	11,359.34	12,059.53	11,513.44	0.00
YTD	141,563.89	144,036.95	142,412.58	145,753.97	156,709.03	146,663.37	150,406.79	142,179.51	135,086.16	134,677.32	127,788.49	136,976.59	145,034.99	140,443.83	141,520.19	133,413.51	106,694.56
MAY	15,266.96	15,216.74	14,440.12	16,758.76	16,331.92	14,563.69	14,804.78	16,654.86	14,412.58	13,476.39	12,897.96	13,635.35	13,823.86	13,641.24	13,334.09	12,026.85	0.00
YTD	156,830.85	159,253.69	156,852.70	162,512.73	173,040.95	161,227.06	165,211.57	158,834.37	149,498.74	148,153.71	140,686.45	150,611.94	158,858.85	154,085.07	154,854.28	145,440.36	106,694.56
JUN	16,276.52	15,578.86	16,601.71	15,296.28	15,814.95	15,777.42	14,952.44	16,071.81	14,603.76	12,070.51	12,746.94	15,328.40	14,347.81	14,258.35	12,555.89	14,869.55	0.00
	173,107.37	174,832.55	173,454.41	177,809.01	188,855.90	177,004.48	180,164.01	174,906.18	164,102.50	160,224.22	153,433.39	165,940.34	173,206.66	168,343.42	167,410.17	160,309.91	106,694.56

ecomaine
RECYCLING TOTALS

Handout 4

	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97	1997/98	1998/99	1999/00	2000/01	2001/02	2002/03	2003/04	2004/05	2005/06	2006/07	2007/08	2008/09
July	287.96	323.48	496.67	533.59	593.37	667.46	666.77	732.22	1085.76	1174.28	1439.83	1392.49	1670.01	1536.03	1801.55	1963.92	2212.79	2776.35
YTD	287.96	323.48	496.67	533.59	593.37	667.46	666.77	732.22	1085.76	1174.28	1439.83	1392.49	1670.01	1536.03	1801.55	1963.92	2212.79	2776.35
August	283.48	349.92	507.49	632.76	669.37	716.80	631.03	681.37	1160.65	1335.45	1549.36	1380.26	1611.16	1725.95	2157.27	2285.15	2394.69	2729.66
YTD	571.44	673.40	1004.16	1166.35	1262.74	1384.26	1297.80	1413.59	2246.41	2509.73	2989.19	2772.75	3281.17	3261.98	3958.82	4249.07	4607.48	5506.01
September	281.94	374.41	546.27	606.30	660.45	682.07	741.43	827.63	1175.35	1217.37	1474.21	1420.08	1836.76	1742.24	2117.62	2078.68	2045.61	2868.29
YTD	853.38	1047.81	1550.43	1772.65	1923.19	2066.33	2039.23	2241.22	3421.76	3727.10	4463.40	4192.83	5117.93	5004.22	6076.44	6327.75	6653.09	8374.30
October	325.51	339.49	516.48	608.88	677.03	730.60	693.07	772.33	1013.54	1290.35	1998.15	1667.28	1800.58	1593.15	1993.01	2294.74	2357.24	2783.06
YTD	1178.89	1387.30	2066.91	2381.53	2600.22	2796.93	2732.30	3013.55	4435.30	5017.45	6461.55	5860.11	6918.51	6597.37	8069.45	8622.49	9010.33	11157.36
November	281.68	337.00	543.15	626.32	688.18	688.07	621.13	824.11	1146.92	1316.17	1750.31	1596.47	1483.24	1744.19	2198.55	2277.91	2256.00	2333.81
YTD	1460.57	1724.30	2610.06	3007.85	3288.40	3485.00	3353.43	3837.66	5582.22	6333.62	8211.86	7456.58	8401.75	8341.56	10268.00	10900.40	11266.33	13491.17
December	321.02	388.94	514.09	599.10	683.42	806.53	795.31	834.70	1178.45	1341.32	1764.33	1841.63	1919.08	1936.94	2256.75	2166.13	2362.55	2937.11
YTD	1781.59	2113.24	3124.15	3606.95	3971.82	4291.53	4148.74	4672.36	6760.67	7674.94	9976.19	9298.21	10320.83	10278.50	12524.75	13066.53	13628.88	16428.28
January	271.05	359.99	444.28	557.29	608.08	632.55	606.67	673.01	909.51	1367.61	1707.27	1765.43	1467.16	1657.08	2114.52	2068.29	2564.76	2441.23
YTD	2052.64	2473.23	3568.43	4164.24	4579.90	4924.08	4755.41	5345.37	7670.18	9042.55	11683.46	11063.64	11787.99	11935.58	14639.27	15134.82	16193.64	18869.51
February	244.13	310.62	464.59	451.68	523.30	619.28	605.88	616.02	945.88	1084.71	1547.84	1395.61	1394.75	1497.44	1689.38	1633.72	2139.22	2078.44
YTD	2296.77	2783.85	4033.02	4615.92	5103.20	5543.36	5361.29	5961.39	8616.06	10127.26	13231.30	12459.25	13182.74	13433.02	16328.65	16768.54	18332.86	20947.95
March	275.97	436.63	512.53	570.16	584.39	616.62	671.88	751.34	1062.77	1098.41	1459.30	1572.04	1629.24	1774.99	2016.88	1823.79	2258.34	20947.95
YTD	2572.74	3220.48	4545.55	5186.08	5687.59	6159.98	6033.17	6712.73	9678.83	11225.67	14690.60	14031.29	14811.98	15208.01	18345.53	18592.33	20591.20	20947.95
April	319.29	517.14	549.15	538.63	667.71	676.79	671.45	752.00	1000.57	1220.48	1638.89	1710.90	1524.35	1627.25	1831.65	1871.62	2363.75	20947.95
YTD	2892.03	3737.62	5094.70	5724.71	6355.30	6836.77	6704.62	7464.73	10679.40	12446.15	16329.49	15742.19	16336.33	16835.26	20177.18	20463.95	22954.95	20947.95
May	315.59	488.88	547.91	671.66	698.84	639.03	707.09	765.11	1193.95	1311.08	1714.14	1732.85	1576.35	1877.96	2224.46	2279.00	2516.52	20947.95
YTD	3207.62	4226.50	5642.61	6396.37	7054.14	7475.80	7411.71	8229.84	11873.35	13737.23	18043.63	17475.04	17912.68	18713.22	22401.64	22742.95	25471.47	20947.95
June	352.14	523.69	583.87	654.97	624.78	660.55	752.80	807.31	1234.16	1348.20	1453.10	1783.82	1683.84	2020.91	2207.89	2140.94	2459.61	20947.95
Total	3,559.76	4,750.19	6,226.48	7,051.34	7,678.92	8,136.35	8,164.51	9,037.15	13,107.51	15,105.43	19,496.73	19,258.86	19,596.52	20,734.13	24,609.53	24,883.89	27,931.08	20,947.95

RESIDENTIAL WASTE

RECYCLED WASTE

COMMERCIAL WASTE

RESIDENTIAL, RECYCLED, COMMERCIAL COMBINED

Community	Total Annual Tons			Community	Total Annual Tons			Community	Total Annual Tons			Community	Total Annual Tons		
	Year to date				Year to date				Year to date				Year to date		
	07/08	08/09	over/(under)		07/08	08/09	over/(under)		07/08	08/09	over/(under)		07/08	08/09	over/(under)
Bridgton	1,784.58	1,642.94	(141.64)	0.00	168.74	168.74	0.00	1.71	0.47	(1.24)	1,786.29	1,812.15	25.86		
Cape Elizabeth	2,213.69	1,943.69	(270.00)	676.66	764.24	87.58	132.85	151.10	18.25	39.81	2,892.27	2,749.66	(142.61)		
Casco	666.02	626.98	(39.04)	1,184.36	1,116.60	(67.76)	601.93	492.09	(109.84)	(24.66)	1,367.58	1,334.13	(33.45)		
Cumberland	1,184.36	1,116.60	(67.76)	1,354.39	1,334.27	(20.12)	1,354.39	1,334.27	(20.12)	(24.41)	1,934.12	1,732.04	(202.08)		
Falmouth	1,673.40	1,496.86	(176.54)	299.39	334.62	35.23	981.20	939.76	(41.44)	(105.27)	3,625.49	3,304.42	(321.07)		
Freeport	1,403.89	1,314.45	(89.44)	981.20	939.76	(41.44)	0.00	0.00	0.00	(64.32)	3,097.17	2,830.02	(267.15)		
Freeport	1,403.89	1,314.45	(89.44)	981.20	939.76	(41.44)	0.00	0.00	0.00	(64.32)	3,097.17	2,830.02	(267.15)		
Gorham	1,559.39	1,483.27	(76.12)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,951.66	3,728.83	(222.83)		
Gorham	1,559.39	1,483.27	(76.12)	0.00	0.00	0.00	0.00	0.00	0.00	0.00	3,951.66	3,728.83	(222.83)		
Gray	1,763.36	1,751.97	(11.39)	77.94	110.12	32.18	77.94	110.12	32.18	0.00	1,840.88	1,765.17	(75.71)		
Harrison	814.89	726.04	(88.85)	77.94	110.12	32.18	0.00	0.00	0.00	0.00	892.83	836.16	(56.67)		
Hollis	730.67	655.72	(74.95)	253.38	232.43	(20.94)	253.38	232.43	(20.94)	(114.49)	1,233.20	1,022.81	(210.39)		
Hollis	730.67	655.72	(74.95)	253.38	232.43	(20.94)	253.38	232.43	(20.94)	(114.49)	1,233.20	1,022.81	(210.39)		
Limington	1,260.37	1,331.82	71.45	76.99	54.55	(22.44)	76.99	54.55	(22.44)	3.08	1,340.94	1,393.03	52.09		
Limington	1,260.37	1,331.82	71.45	76.99	54.55	(22.44)	76.99	54.55	(22.44)	3.08	1,340.94	1,393.03	52.09		
Lyman	808.58	788.53	(20.05)	196.27	139.00	(57.27)	196.27	139.00	(57.27)	(9.74)	1,012.20	930.64	(81.56)		
Lyman	808.58	788.53	(20.05)	196.27	139.00	(57.27)	196.27	139.00	(57.27)	(9.74)	1,012.20	930.64	(81.56)		
North Yarmouth	872.85	586.16	(286.69)	174.98	269.40	94.42	174.98	269.40	94.42	0.00	1,057.57	855.56	(202.01)		
North Yarmouth	872.85	586.16	(286.69)	174.98	269.40	94.42	174.98	269.40	94.42	0.00	1,057.57	855.56	(202.01)		
Ogunquit	496.62	480.36	(16.26)	37.39	80.92	43.53	37.39	80.92	43.53	0.00	534.01	561.28	27.27		
Ogunquit	496.62	480.36	(16.26)	37.39	80.92	43.53	37.39	80.92	43.53	0.00	534.01	561.28	27.27		
Portland	7,388.93	7,004.43	(384.50)	3,679.14	3,399.78	(279.36)	3,679.14	3,399.78	(279.36)	(5,248.70)	44,967.02	39,054.46	(5,912.56)		
Portland	7,388.93	7,004.43	(384.50)	3,679.14	3,399.78	(279.36)	3,679.14	3,399.78	(279.36)	(5,248.70)	44,967.02	39,054.46	(5,912.56)		
Pownal	240.97	228.56	(12.41)	84.64	87.54	2.90	84.64	87.54	2.90	(0.54)	351.82	341.77	(10.05)		
Pownal	240.97	228.56	(12.41)	84.64	87.54	2.90	84.64	87.54	2.90	(0.54)	351.82	341.77	(10.05)		
Scarborough	3,706.93	3,625.67	(81.26)	2,199.45	2,043.31	(156.14)	2,199.45	2,043.31	(156.14)	(442.18)	7,517.60	6,838.02	(679.58)		
Scarborough	3,706.93	3,625.67	(81.26)	2,199.45	2,043.31	(156.14)	2,199.45	2,043.31	(156.14)	(442.18)	7,517.60	6,838.02	(679.58)		
South Portland	5,048.24	4,625.83	(422.41)	1,474.88	1,585.52	108.64	1,474.88	1,585.52	108.64	(2,184.70)	6,612.27	4,427.57	(2,184.70)		
South Portland	5,048.24	4,625.83	(422.41)	1,474.88	1,585.52	108.64	1,474.88	1,585.52	108.64	(2,184.70)	6,612.27	4,427.57	(2,184.70)		
Waterboro	1,732.71	1,716.36	(16.36)	342.83	343.09	0.26	342.83	343.09	0.26	20.57	114.15	134.72	20.57		
Waterboro	1,732.71	1,716.36	(16.36)	342.83	343.09	0.26	342.83	343.09	0.26	20.57	114.15	134.72	20.57		
Windham	1,572.95	1,491.41	(81.54)	1,071.40	1,053.41	(17.99)	1,071.40	1,053.41	(17.99)	(738.00)	2,869.11	2,131.11	(738.00)		
Windham	1,572.95	1,491.41	(81.54)	1,071.40	1,053.41	(17.99)	1,071.40	1,053.41	(17.99)	(738.00)	2,869.11	2,131.11	(738.00)		
Yarmouth	1,998.50	1,657.09	(341.41)	536.96	646.31	109.35	536.96	646.31	109.35	415.61	542.08	957.69	415.61		
Yarmouth	1,998.50	1,657.09	(341.41)	536.96	646.31	109.35	536.96	646.31	109.35	415.61	542.08	957.69	415.61		
Yarmouth	38,921.90	36,294.73	(2,627.17)	14,252.67	14,228.20	(24.47)	14,252.67	14,228.20	(24.47)	(8,808.84)	50,144.16	41,335.32	(8,808.84)		
Baldwin	385.62	382.69	(2.93)	30.81	25.43	(5.38)	30.81	25.43	(5.38)	0.00	0.00	0.00	0.00		
Baldwin	385.62	382.69	(2.93)	30.81	25.43	(5.38)	30.81	25.43	(5.38)	0.00	0.00	0.00	0.00		
Cornish	0.00	0.00	0.00	0.00	26.71	26.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Cornish	0.00	0.00	0.00	0.00	26.71	26.71	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Hiram	385.62	395.22	9.60	30.81	25.43	(5.38)	30.81	25.43	(5.38)	(104.01)	218.80	114.79	(104.01)		
Hiram	385.62	395.22	9.60	30.81	25.43	(5.38)	30.81	25.43	(5.38)	(104.01)	218.80	114.79	(104.01)		
Limerick	0.00	0.00	0.00	0.00	54.67	54.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Limerick	0.00	0.00	0.00	0.00	54.67	54.67	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Monmouth	0.00	0.00	0.00	0.00	236.93	236.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Monmouth	0.00	0.00	0.00	0.00	236.93	236.93	0.00	0.00	0.00	0.00	0.00	0.00	0.00		
Naples	816.71	778.76	(37.95)	162.36	184.66	22.30	162.36	184.66	22.30	(20.91)	23.32	2.41	(20.91)		
Naples	816.71	778.76	(37.95)	162.36	184.66	22.30	162.36	184.66	22.30	(20.91)	23.32	2.41	(20.91)		
Parsonsfield	644.48	673.81	29.33	60.92	58.85	(2.07)	60.92	58.85	(2.07)	(0.06)	0.06	0.00	(0.06)		
Parsonsfield	644.48	673.81	29.33	60.92	58.85	(2.07)	60.92	58.85	(2.07)	(0.06)	0.06	0.00	(0.06)		
Porter	385.62	386.75	1.13	30.80	25.44	(5.36)	30.80	25.44	(5.36)	0.00	0.00	0.00	0.00		
Porter	385.62	386.75	1.13	30.80	25.44	(5.36)	30.80	25.44	(5.36)	0.00	0.00	0.00	0.00		
Saco	3,399.04	3,307.15	(91.89)	277.56	1,228.07	950.51	277.56	1,228.07	950.51	(11.41)	28.58	17.17	(11.41)		
Saco	3,399.04	3,307.15	(91.89)	277.56	1,228.07	950.51	277.56	1,228.07	950.51	(11.41)	28.58	17.17	(11.41)		
Standish	2,055.44	2,016.90	(38.54)	416.33	453.00	36.67	416.33	453.00	36.67	170.92	400.18	571.10	170.92		
Standish	2,055.44	2,016.90	(38.54)	416.33	453.00	36.67	416.33	453.00	36.67	170.92	400.18	571.10	170.92		
Standish	8,072.53	7,941.28	(131.25)	1,009.59	2,611.32	1,601.73	1,009.59	2,611.32	1,601.73	34.26	671.21	705.47	34.26		
Standish	8,072.53	7,941.28	(131.25)	1,009.59	2,611.32	1,601.73	1,009.59	2,611.32	1,601.73	34.26	671.21	705.47	34.26		
Standish	46,994.43	44,236.01	(2,758.42)	15,262.26	16,839.52	1,577.26	15,262.26	16,839.52	1,577.26	(8,774.58)	50,815.37	42,040.79	(8,774.58)		
Spot Market				0.00	0.00	0.00	0.00	0.00	0.00	8,621.13	11,868.28	20,489.41	8,621.13		
Commercial Recycling				3,070.60	4,126.48	1,055.88	3,070.60	4,126.48	1,055.88	0.00	0.00	0.00	0.00		
Grand Total				18,332.86	20,966.00	2,633.14	18,332.86	20,966.00	2,633.14	(153.45)	62,683.65	62,530.20	(153.45)		

Note: The numbers above do not include 3,678 tons of waste that was moved from the landfill to the WTE during the month.

Waste-to-energy Facility Electricity Generation

Generation Period	Availability	On Peak	Off Peak	Total KWHs	On Peak Rate	Off Peak Rate	Revenues
3/1/2007	90%	3,467,121	3,713,122	7,180,243	\$0.0694	\$0.0551	\$466,611
4/1/2007	53%	1,817,571	2,152,857	3,970,428	\$0.0616	\$0.0496	\$234,664
5/1/2007	80%	3,197,533	3,261,865	6,459,398	\$0.0591	\$0.0468	\$358,794
6/1/2007	85%	3,169,909	3,470,048	6,639,957	\$0.0609	\$0.0468	\$372,700
7/1/2007	84%	3,240,041	3,232,079	6,672,120	\$0.0711	\$0.0505	\$420,958
8/1/2007	77%	3,034,058	3,144,942	6,179,000	\$0.0710	\$0.0496	\$385,701
9/1/2007	88%	3,115,205	3,450,981	6,566,186	\$0.0591	\$0.0466	\$362,142
10/1/2007	91%	3,497,390	3,627,082	7,124,472	\$0.0600	\$0.0466	\$396,362
11/1/2007	88%	3,380,827	3,378,070	6,758,897	\$0.0660	\$0.0514	\$414,082
12/1/2007	82%	2,649,394	3,089,740	5,739,134	\$0.0660	\$0.0514	\$350,477
1/1/2008	96%	3,301,883	3,806,831	7,108,714	\$0.0831	\$0.0614	\$530,974
2/1/2008	98%	2,789,582	3,357,820	6,147,402	\$0.0982	\$0.0772	\$567,482
3/1/2008	87%	2,720,281	3,276,046	5,996,327	\$0.0831	\$0.0667	\$478,644
4/1/2008	21%	0	0	0	\$0.0723	\$0.0544	\$32,693
5/1/2008	84%	1,965	2,447,173	4,412,413	\$0.0721	\$0.0534	\$302,386
6/1/2008	91%	3,473,196	4,188,922	7,662,118	\$0.0762	\$0.0552	\$537,696
7/1/2008	91%	3,470,919	3,975,940	7,446,859	\$0.0850	\$0.0614	\$581,143
8/1/2008	87%	2,981,852	4,071,778	7,053,630	\$0.0843	\$0.0618	\$545,154
9/1/2008	94%	3,571,034	4,201,609	7,772,643	\$0.0730	\$0.0556	\$536,466
10/1/2008	75%	3,158,169	2,942,893	6,101,062	\$0.0740	\$0.0562	\$440,631
11/1/2008	68%	2,323,451	2,791,790	5,115,241	\$0.0770	\$0.0592	\$385,838
12/1/2008	95%	3,571,380	4,122,251	7,693,389	\$0.0836	\$0.0656	\$610,774
1/1/2009	90%	2,945,020	3,802,363	6,747,383	\$0.0971	\$0.0773	\$621,560
2/1/2009	97%	3,104,417	3,511,712	6,616,129	\$0.0982	\$0.0772	\$617,901
3/1/2009					\$0.0831	\$0.0667	

ecomaine

Board of Directors

A RESOLUTION RELATING TO THE
COLLECTION AND TREATMENT OF LEACHATE

WHEREAS, **ecomaine** operates a landfill located at property adjoining Running Hill Road in the Town of Scarborough and the Cities of South Portland and Westbrook (the “Landfill”); and

WHEREAS, the operations of the Landfill generate leachate materials; and

WHEREAS, Regional Waste Systems, Inc. (“RWS”) and the Portland Water District (the “District”) entered into an agreement dated December 7, 1987 for the construction of a wastewater pump station and force main along with the necessary pipes and appurtenances (the “Facilities”) for the collection and transportation of leachate from the Landfill (the “Wastewater Agreement”); and

WHEREAS, the Wastewater Agreement provided that upon completion of construction, RWS would transfer ownership of the Facilities to the District; and

WHEREAS, RWS was merged with and into **ecomaine** in 2006; and

WHEREAS, **ecomaine** and the District agree that the obligations of the parties under the Wastewater Agreement have been completed, that all right, title and interest in the Facilities should remain with **ecomaine**, and that the Wastewater Agreement should be terminated; and

WHEREAS, RWS, the District and the City of Portland entered into a sewerage service agreement dated November 23, 1987 for operation of the Facilities by the District (the “Sewerage Agreement”); and

WHEREAS, in accordance with the Sewerage Agreement, the leachate from the Landfill has been transported by the Facilities across land in the Cities of South Portland and Westbrook to an interceptor line of the District which connects to an interceptor line of the City of Portland; and

WHEREAS, the parties to the Sewerage Agreement wish to enter into a memorandum of agreement which identifies the responsibilities of the parties and replaces the Sewerage Agreement; and

WHEREAS, the Facilities are located, in part, in an easement granted by Central Maine Power Company to the District, and the District has proposed the assignment of easement rights to **ecomaine**.

NOW, THEREFORE, BE IT RESOLVED: That the General Manager shall be authorized to execute and deliver the Memorandum of Agreement with the City of Portland and the Portland Waster District for replacement of the Sewerage Agreement and for operation and maintenance of the Facilities for the collection and transportation of leachate generated at the Landfill, substantially in the form presented at this meeting, with such changes thereto as approved by the Chairman; and

BE IT FURTHER RESOLVED: That the General Manager shall be authorized to execute and deliver the Termination Agreement with the Portland Water District for termination of the Wastewater Agreement, substantially in the form presented at this meeting, with such changes thereto as approved by the Chairman; and

BE IT FURTHER RESOLVED: That the General Manager shall be authorized to execute and deliver the Assignment and Assumption of Easement Rights with the Portland Water District for the assignment of easement rights, substantially in the form presented at this meeting, with such changes thereto as approved by the Chairman.

Dated: March 19, 2009

MEMORANDUM OF AGREEMENT

BETWEEN

ecomaine
CITY OF PORTLAND
AND
PORTLAND WATER DISTRICT

THIS MEMORANDUM OF AGREEMENT made this ____ day of _____, 2009 by and among the CITY OF PORTLAND, (the “City”), a body corporate and politic situated in Cumberland County, State of Maine; **ecomaine** (“**ecomaine**”), a nonprofit quasi-municipal Maine corporation located in said City; and the PORTLAND WATER DISTRICT (the “District”), a quasi-municipal corporation located in said City.

I. PURPOSE: The purpose of this Memorandum of Agreement (MOA) is to establish a mutual framework governing the respective organizational relationships, responsibilities, and activities between the District, the City and **ecomaine** for the operation and maintenance of a pump station, 8 inch force main, interceptor lines and appurtenant facilities, presently owned and operated by **ecomaine** which transports the leachate generated by **ecomaine**, the whole as shown on the plan attached hereto and marked Attachment A (collectively, the “**ecomaine** Force Main Sewer System”).

II. BACKGROUND: **ecomaine** operates a regional Waste-To-Energy Facility for Municipal Solid Waste disposal at 64 Blueberry Road in said City (the “Facility”) and operates an associated landfill and ashfill located at Greene Road in the Town of Scarborough which includes property adjoining Running Hill Road, within the Town of Scarborough and the Cities of South Portland and Westbrook (the “Landfill”). The operations of the Landfill generate leachate materials which are transported by the **ecomaine Force Main** Sewer System from the Landfill across land in the Cities of South Portland and Westbrook which then connects to the District’s interceptor line located near the southeast corner of the intersection of Congress Street and Thomas Drive in the City of Westbrook, which in turn connects to the City’s outer Congress Street Interceptor located in the City of Portland. Since late 1987, the District has operated and maintained the **ecomaine Force Main** Sewer System under the terms of a SEWERAGE SERVICE AGREEMENT dated November 23, 1987 (the “1987 Agreement”) among the District, the City and Regional Waste Systems, Inc., which was merged with and into **ecomaine** in 2006.

III. RESPONSIBILITIES OF THE PARTIES: The following paragraphs identify responsibilities of the organizations involved:

A. Modification of Pump Station.

- 1) **ecomaine** will modify or reconstruct the pump station as necessary to insure its reliable operation.
- 2) The District and the City shall review and approve of any proposed modifications or reconstruction of the pump station to ascertain the impact on District and City owned collector and interceptor sewers, pumping stations and treatment plant prior to the implementation of any such modification or reconstruction. The District and the City shall conduct reviews in an expeditious manner, and approval shall not be unreasonably withheld.

B. Maintenance of ecomaine Force Main Sewer System .

- 1) **ecomaine** will be responsible for the day-to-day operation and maintenance of the **ecomaine** Force Main Sewer System . Such responsibility will include all costs for the periodic inspection and cleaning of the pipe, construction of access manholes, pig launches and other appurtenances and foreseeable repair of pipes, gate valves, air release and vacuum valves and appurtenances.
- 2) **ecomaine** shall be responsible for reporting any and all accidental spills or discharges from said pump station and force main to the Maine Department of Environmental Protection and the City of Portland's Industrial Pretreatment Program within 24 hours of discovery of said spills or discharges.
- 3) **ecomaine** will use reasonable measures to comply with the provisions of the Industrial Wastewater Discharge Permit issued to **ecomaine** by the City, Section 24 of the City's Code of Ordinances, the City's Rules and Regulations for the Use of the Wastewater System, and applicable Federal and State laws (the "Permit").
- 4) The maximum amount of waste which the District is obligated to accept under this MOA will be 150,000 gallons per day (monthly average) and 250 gallons per minute (instantaneous peak).
- 5) **ecomaine** is not required to operate a pretreatment facility or perform pretreatment of leachate generated at the Landfill unless required by the Permit.

- C. Payment.** **ecomaine** shall pay to the City sewer user charges computed in accordance with the City's Code of Ordinances, Ch.24, Sec. 24-72, Subsection (c) Sewer User Charges and Ch.24, Sec. 24-73 Subsection (a) Industrial Surcharges.

IV. MISCELLANEOUS:

- A. Other Relationships or Obligations.** This MOA shall not affect any pre-existing or independent relationships or obligations between the parties.
- B. Survival.** The provisions of this MOA that require performance after the expiration or termination of this MOA shall remain in force notwithstanding the expiration or termination of the MOA.
- C. Severability.** If any provision of this MOA is determined to be invalid or unenforceable, the remaining provisions shall remain in force and unaffected to the fullest extent permitted by law and regulation.
- D. Integration.** This MOA (including all attachments hereto) embodies the whole agreement of the parties, and there are no promises, terms, conditions or obligations other than those contained herein, and this MOA shall supersede all previous communications, representations or agreements, either oral or written, between the parties hereto, including the 1987 Agreement which is hereby terminated.

V. REVIEW: This MOA will be reviewed periodically to ensure adequate identification of support requirements. Additional reviews may take place when changing conditions or circumstances require substantial changes or development of a new agreement. Minor changes may be made at any time by correcting the existing document or attaching a memorandum to the basic document. Minor changes must be coordinated, approved and initialed by representatives of all parties to this MOA.

VI. AMENDMENT, MODIFICATION AND TERMINATION: This MOA may be amended or modified only by written, mutual agreement of the parties. Any party may terminate this MOA by providing written notice to the other parties. The termination shall be effective upon the sixtieth calendar day following date of the written notice, unless a later date is set forth.

VII. EFFECTIVE DATE: This MOA becomes effective upon the date above written and will remain in effect indefinitely until superseded, rescinded, or modified by written, mutual agreement of both parties.

IN WITNESS WHEREOF, the PORTLAND WATER DISTRICT, the CITY OF PORTLAND, and **ecomaine** have caused this Memorandum of Agreement to be duly executed as of the date first above written.

Witness:

PORTLAND WATER DISTRICT

By: _____
Its

CITY OF PORTLAND

By: _____
Its

ecomaine

By: _____
Its

The City of Westbrook, the City of South Portland and the Scarborough Sanitary District hereby consent to termination of the SEWERAGE SERVICE AGREEMENT between the District, the City of Portland and Regional Waste Systems, Inc., dated November 23 1987, as set forth in this MEMORANDUM OF AGREEMENT. The City of Westbrook, the City of South Portland and the Scarborough Sanitary District consent to **ecomaine** and Portland Water District continuing operation of the pump station, force main interceptor lines and appurtenant facilities, by which leachate and sanitary waste will be collected and transported across land in the Cities of South Portland and Westbrook into the District's existing collector lines located in the Cities of Westbrook and Portland.

WITNESS:

CITY OF WESTBROOK

By: _____
Its

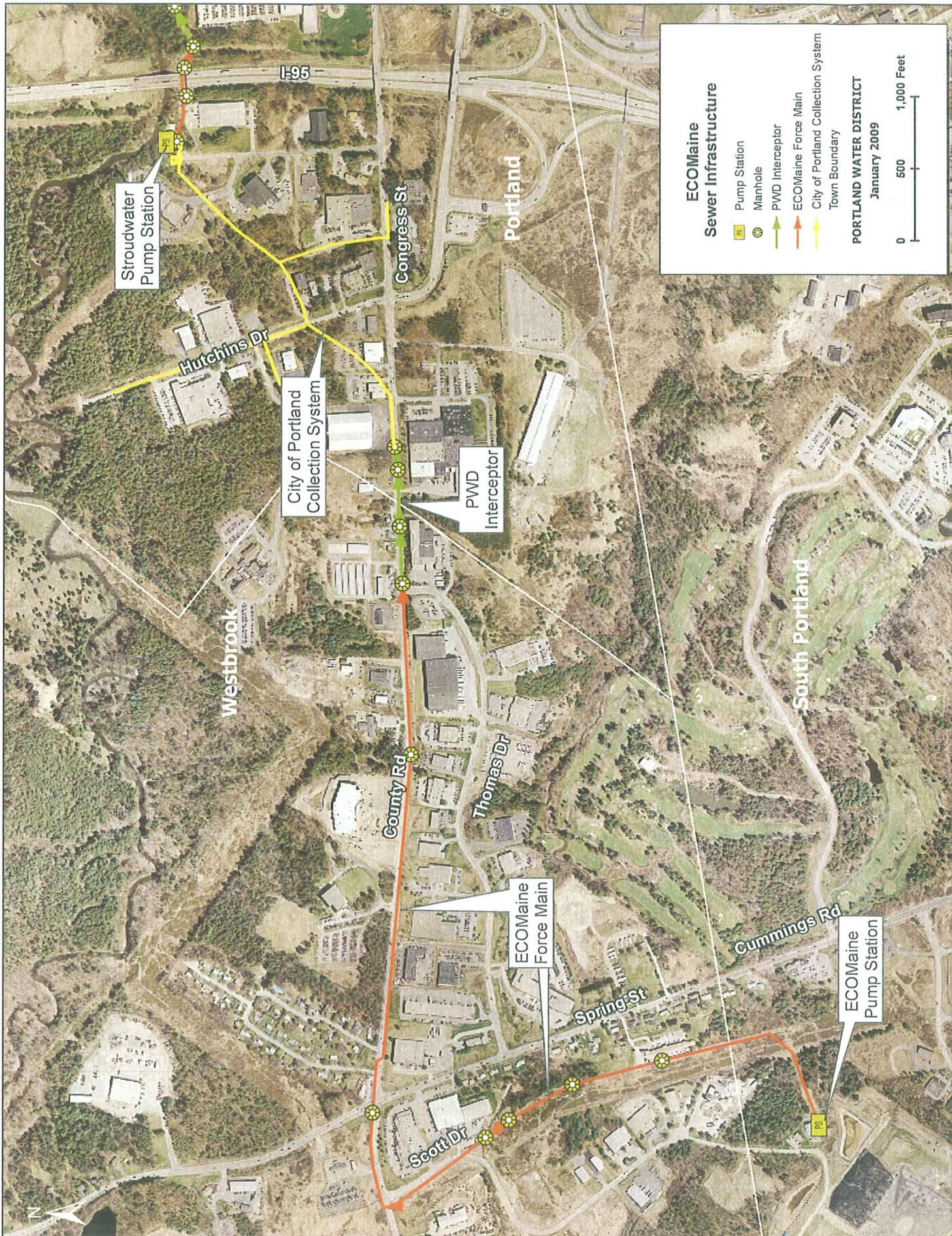
CITY OF SOUTH PORTLAND

By: _____
Its

SCARBOROUGH SANITARY DISTRICT

By: _____
Its

Attachment A – Plan of Force Main ecomaine Sewer System



TERMINATION OF AGREEMENT

WHEREAS, Regional Waste Systems, Inc. (“RWS”) and the Portland Water District (the “District”) have entered into an Agreement for the Construction of Wastewater Facilities for Regional Waste Systems, Inc., dated December 7, 1987 (the “Agreement”); and

WHEREAS, effective July 1, 2006, RWS was merged with and into **ecomaine**, a non-profit quasi-municipal Maine corporation, and, pursuant to the merger, all of the assets, operations, obligations, personnel, contracts and other attributes of RWS were, as a matter of law, transferred to and assumed by the merged entity; and

WHEREAS, the parties desire to amend certain terms of the Agreement; and

WHEREAS, the parties have no further obligations under the Agreement.

NOW, THEREFORE, the parties, intending to be bound hereby, agree as follows:

1. Section 8 of the Agreement is deleted, and the parties agree that all right, title and interest in the FACILITIES along with the necessary easements, pipes and appurtenances shall remain with **ecomaine**.
2. The final invoice submitted in accordance with Section 3 of the Agreement has been paid.
3. With the exception of Section 8, which is deleted, the parties have met all terms of the Agreement, which is hereby terminated.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to be executed by their duly appointed representatives as of this ____ day of _____, 2009.

Witness:

ecomaine

By: _____

Its

PORTLAND WATER DISTRICT.

By: _____

Its

ASSIGNMENT AND ASSUMPTION OF EASEMENT RIGHTS

THIS ASSIGNMENT AND ASSUMPTION OF EASEMENT RIGHTS made this ____ day of _____, 2009 by the PORTLAND WATER DISTRICT (the "District"), a quasi-municipal corporation located in the City of Portland, County of Cumberland and State of Maine, and **ecomaine** ("ecomaine"), a nonprofit quasi-municipal Maine corporation located in said City.

WHEREAS, **ecomaine** owns and operates a pump station, 8 inch force main, interceptor lines and appurtenant facilities which transports the leachate generated by **ecomaine** at a landfill and ashfill, the whole as shown on the plan attached hereto and marked Attachment A (collectively, the "**ecomaine** Sewer System"); and

WHEREAS, since late 1987, the District has operated and maintained the **ecomaine** Sewer System under the terms of a SEWERAGE SERVICE AGREEMENT dated November 23, 1987 (the "1987 Agreement") among the District, the City and Regional Waste Systems, Inc., which was merged with and into **ecomaine** in 2006; and

WHEREAS, the District and **ecomaine**, pursuant to a Memorandum of Agreement dated _____, 2009 (the "2009 Agreement"), acknowledge that the **ecomaine** Sewer System is the property and obligation of **ecomaine**, and have agreed that **ecomaine** shall be responsible for the maintenance, repairs and modifications of and to **ecomaine** Sewer System; and

WHEREAS, pursuant to the 1987 Agreement, the **ecomaine** Sewer System was located, in part, along with other separate District lines, in the District easement granted by Central Maine Power Company to the District as described in that certain Indenture dated September 24, 1987 and recorded in the Cumberland County Registry of Deeds in Book 8115, Page 203 (the "Easement"), and the District and **ecomaine** have agreed to the assignment of easement rights in accordance with the 2009 Agreement.

NOW, THEREFORE, in consideration of \$1.00 and the mutual promises contained herein, all of which is deemed good and valuable consideration, the parties agree as follows:

1. The District hereby assigns to **ecomaine**, in common with the District, the right to locate, maintain, operate and modify the **ecomaine** Sewer System within the bounds of the Easement, together with the obligations arising therefrom, in accordance with the terms of the Easement and the 2009 Agreement.

2. **ecomaine** hereby accepts and assumes the rights and obligations granted by the District.

IN WITNESS WHEREOF, the Portland Water District and **ecomaine** have caused this Assignment and Assumption of Easement Rights to be duly executed by their authorized officers as of the date first above written.

Witness:

PORTLAND WATER DISTRICT

By:
Its:

ecomaine

By:
Its:

Central Maine Power Company joins in this instrument for the sole purpose of consenting to the assignment and assumption of the rights and obligations under the Easement, in common, by the Portland Water District and **ecomaine**.

Dated:

Central Maine Power Company

By:
Its:

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2009

Then personally appeared the above named _____, the _____ of Portland Water District, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Corporation.

Before me,

Attorney at Law/Notary Public

STATE OF MAINE
COUNTY OF CUMBERLAND, ss.

_____, 2009

Then personally appeared the above named _____, the _____ of **ecomaine**, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said Corporation.

Before me,

Attorney at Law/Notary Public